

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR
ADMISSIONS, INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

**JOINT MOTION FOR EXTENSION OF TIME
FOR CASE DEADLINES**

Pursuant to Fed. R. Civ. P. 6(b) and Fed. R. Civ. P. 16(b)(4), Plaintiff Students for Fair Admissions, Inc. and Defendants The University of North Carolina at Chapel Hill, et al., jointly request that the Court extend the deadlines set forth in the current scheduling order (Dkt. 119) and adopt the following stipulated schedule for expert discovery and summary judgment briefing. Defendant-Intervenors do not oppose this motion.

I. Preliminary Statement

On December 4, 2017, the Court adopted the current schedule governing expert discovery and summary judgment briefing. (Dkt. 119). Under that schedule, initial expert reports were filed when due on January 12, 2018; rebuttal reports are due on March 28, 2018; reply reports are due on May 11, 2018; all expert discovery is due to be completed

by June 25, 2018; any motions for summary judgment are due by August 24, 2018; briefs in opposition to summary judgment are due by October 8, 2018; and reply briefs are due by November 7, 2018.

The parties have met and conferred and have agreed that modest adjustments to the current expert discovery schedule are necessary to resolve and accommodate conflicts for both sides' experts and counsel.

The parties believe an extension of the current deadlines is necessary and have agreed, subject to the Court's approval, to extend the deadlines of the current schedule, as proposed below.

II. Good Cause for Requests

Under Rule 6(b), the court may extend deadlines for "good cause." Moreover, under Rule 16(b)(4), "[a] schedule may be modified only for good cause and with the judge's consent." Such requests "are liberally granted." *Curtis v. Norfolk Southern Ry. Co.*, 206 F.R.D. 548, 550 (M.D.N.C. 2002); *see also* 4B C. Wright, A. Miller and A. Steinman, *Federal Practice and Procedure*, § 1165 (4th ed. 2015) ("[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.").

A modified schedule is necessary and promotes justice in order to accommodate and resolve conflicts for both sides' experts and counsel. With modifications to expert deadlines, it will be necessary to adjust summary judgment deadlines by a corresponding length of time.

The parties recognize that the requested extensions and schedule modifications push back completion of summary judgment briefing as well as any potential trial of this matter. However, the parties respectfully submit that the modifications are in the interests of justice and do not unfairly prejudice any party. The parties do not request the modifications to unduly delay this matter or for any other improper purpose.

III. Proposed Schedule

For the foregoing reasons, the parties propose the following deadlines:

1. The date proposed for the completion of expert discovery is July 23, 2018. Reports required under Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) would be due during the proposed discovery period as follows:
 - (a) Affirmative expert reports by January 12, 2018
 - (b) Rebuttal expert reports by April 6, 2018
 - (c) Reply expert reports by June 8, 2018
 - (d) All trial experts would be deposed during the period between June 8, 2018 and July 23, 2018.
2. The proposed deadline for filing any motions for summary judgment would be September 21, 2018. Briefs in opposition to summary judgment would be due November 5, 2018, and reply briefs would be due December 5, 2018.

A proposed Order is attached.

Respectfully submitted this 7th day of March, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2018, I filed a true and correct copy of the foregoing Joint Motion for Extension of Time for Case Deadlines with the Clerk of Court using the CM/ECF system, which will be served on all registered users.

This 7th day of March, 2018.

/s/ Alan M. Ruley

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